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ABSTRACT

This manual is intended to help special education teachers in Montana with the Child Study Team (CST) process. It provides answers and examples for general questions regarding student evaluation and eligibility for special education services and for completing the CST report. The guide begins by answering common questions about the CST process, common questions about the CST form, and common questions regarding eligibility criteria. Issues addressed include the CST responsibility, the membership of the CST, disability criteria, the evaluation plan, exiting from related services or from special education, graduation, lack of instruction in reading and math, parental notice, observations, parent counseling and training, failure to respond, parental rights in special education, related services, review of existing evaluation data, speech and language services, transfer students, and travel training. The guide provides referenced Administrative Rules of Montana and Code of Federal Regulations. A CST report form is included, along with a review of existing evaluation data form. Examples are then provided of assessment summaries and implications, and disability criteria and need for special education statements. Eligibility criteria checklists are included. The guide closes with Administrative Rules of Montana regulations on disability criteria. All policy statements regarding the delivery of special education and related services are contained in the current "Montana State Plan Under the Individuals with Disabilities Education Act." (CR)

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ED 466 071

The Child Study Team

A Special Educator's Guide to the Child Study Team Process

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August 2001

EC 309040

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Technical Assistance guides are developed by the Division of Special Education to provide guidance to schools, parents and advocates regarding eligibility for and the implementation of services to students with disabilities under the Individuals with Disabilities Education Act, the Administrative Rules of Montana, and Montana statutes.

This document contains recommended practices and procedures that may enhance the services to children and youth with disabilities. All policy statements regarding the delivery of special education and related services are contained in the current *Montana State Plan Under the Individuals with Disabilities Education Act.*

EC 309040

This guide is intended to help special education teachers with the Child Study Team (CST) process. The guide is not intended to answer every possible question regarding CSTs, but to provide answers and examples for general questions regarding evaluation, eligibility and completing the CST report.

If you have questions regarding the CST process after reviewing this guide, please contact the Division of Special Education at 444-5661.

Comments, additional questions or suggestions regarding this guide may be sent to:

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or

CST Guide Changes
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Please visit our website at:

www.metnet.state.mt.us/specialed/

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Common Questions About the CST Process

Following some questions are references to federal (CFR) and/or state (ARM) rules and regulations that you should review for more detailed information.

1. What information must be provided in the invitation to the Child Study Team meeting?

The invitation to the Child Study Team meeting must indicate the purpose, time and location of the meeting. It should also include a representative of the school district the parent may contact for further information. The invitation should notify the parents of the meeting early enough to ensure that they will have an opportunity to attend.

2. What notice must be provided to parents prior to a Child Study Team meeting?

Written notice must be given to parents a reasonable time before the school district proposes or refuses to initiate or change the identification, evaluation, or educational placement of the child or the provision of FAPE (Free Appropriate Public Education) to the child. The contents of this notice must meet certain requirements. The OPI form, "EVALUATION PLAN: Notice of Intent to Conduct an Evaluation or Reevalution and Permission for Evaluation or Reevaluation meets the requirements and serves as written notice to parents.

CFR 300.503 Prior notice by the public agency; content of notice

3. Must the EVALUATION PLAN be completed and signed by the parent for a re-evaluation if the district will use only information it already possesses (such as grades or individual student results on districtwide assessments) in determining the student's continuing eligibility?

The district is not required to obtain informed consent from a parent if the district will be reviewing only existing data about the child and the child's performance. The district, however, must give written notice regarding its proposal to change the identification, evaluation, or educational placement of the child, as well as a copy of the pamphlet, Parental Rights in Special Education.

CFR 300.503 Prior notice by the public agency; content of notice

4. How soon before the CST meeting must written notice be given?

Written notice must be given to the parents of a child with a disability a reasonable time before a CST meeting. Although the phrase "reasonable time" is not defined in rule, the notice must be given and permission for evaluation or reevaluation obtained before evaluation procedures can be conducted. The district is responsible for notifying parents of the meeting early enough to ensure that they will have an opportunity to attend and scheduling the meeting at a mutually agreed on time and place.

CFR 300.503 Prior notice by the public agency; content of notice
CFR 300.345 Parent participation

5. Who is considered to be a "parent"?

The term parent means a natural or adoptive parent of a child; a guardian but not an employee of the state if the child is a ward of the state; a person acting in the place of a parent (such as a grandparent or stepparent with whom the child lives, or a person who is legally responsible for the child's welfare); or a surrogate parent who has been appointed in accordance with CFR 300.515. A foster parent may act as a parent if the natural parents' authority to make educational decisions on the child's behalf has been extinguished under state law; the foster parent has an ongoing, long-term parental relationship with the child; is willing to make the educational decisions required of parents; and the foster parent has no interest that would conflict with the interests of the child.

CFR 300.20 Definition of parent
CFR 300.515 Surrogate parents

6. What does a school district do if a parent refuses consent to an initial evaluation or reevaluation?

If the parents of a child with a disability refuse consent for initial evaluation or a reevaluation, the agency may continue to pursue those evaluations by using mediation or due process procedure. If, in the opinion of the school district, the provision of special education services is necessary for the child to recive a free appropriate public education, the school district should pursue mediation or due process to obtain consent. Contact the OPI Early Assistance Program at 444-5664.

CFR 300.505 Parental consent

7. What does the school district do if the parent does not respond to a request for reevaluation?

Informed parental consent need not be obtained for reevaluation if the school district can demonstrate that it has taken reasonable measures to obtain that consent and the child's parent has failed to respond. In this case the district must have a record of its attempts to arrange a mutually agreed on time and place, such as detailed records of telephone calls made or attempted and the results of those calls; copies of correspondence sent to the parents and any responses received; and detailed records of visits made to the parent's home or place of employment and the results of those visits.

CFR 300.345 Parent participation
CFR 300.505 Parental consent

8. When must the district provide parents with a copy of the pamphlet, Parental Rights in Special Education?

A copy of the procedural safeguards available to the parents of a child with a disability must be given to the parents upon initial referral for evaluation and upon reevaluation of the child (and upon each notification of an IEP meeting). The OPI form EVALUATION PLAN documents that the parent has received a copy of this pamphlet.

CFR 300.504 Procedural safeguards notice

9. What is the "Review of Existing Evaluation Data"?

As part of an initial evaluation (if appropriate) and as part of any reevaluation, the IEP Team and other qualified professionals, as appropriate, shall review existing evaluation data on the child, including evaluations and information provided by the parents of the child; current classroom-based assessments and observations; and observations by teachers and related services providers.

On the basis of that review, and input from the child's parents, the IEP Team shall identify what additional data, if any, are needed to determine -

- Whether the child has a particular category of disability, as described in CFR 300.7, or, in case of a reevaluation of a child, whether the child continues to have such a disability.
- The present levels of performance and educational needs of the child.
- Whether the child needs special education and related services, or in the case of a reevaluation of a child, whether the child continues to need special education and related services.
- Whether any additions or modifications to the special education and related services are needed to enable the child to meet the measurable annual goals set out in the IEP of the child and to participate, as appropriate, in the general curriculum.

If additional data is needed, the public agency shall administer tests and other evaluation materials as may be needed to produce the data identified. If no additional data are needed to determine whether the child continues to be a child with a disability, the public agency shall notify the child's parents of that determination and the reasons for it and the right of the parents to request an assessment to determine whether the child continues to be a child with a disability. The public agency is not required to conduct this assessment unless requested to do so by the child's parents.

CFR 300.533 Determination of needed evaluation data

10. How is the "Review of Existing Evaluation Data" documented? Is a meeting required for the review of existing evaluation data?

The district may document this review by IEP or CST meeting notes or by using a form developed by the district for this purpose. The OPI form, "Review of Existing Evaluation Data," may also be used to document the review.

The IEP Team may review the existing evaluation data without conducting a meeting.

11. If the Review of Existing Evaluation Data determines that no additional data are necessary, is it still necessary to conduct a Child Study Team meeting?

Yes. A Child Study Team meeting must be held prior to the provision of special education and related services and at least once every three years for IDEA-qualified students or more frequently if the student's parent or teacher requests.

CFR 300.531 Initial evaluation

CFR 300.536 Reevaluation

12. How "current" must classroom-based assessments and observations be for reviewing existing evaluation data?

This information should be the most recent available (the current or previous school year). The IEP Team and other qualified professionals should review classroom-based assessments and observations to determine if the information is current and sufficient. Although there may be variances, information that is more than one year old may not be useful.

13. Which assessments are required for an initial evaluation?

For initial evaluations, the child study team report shall address a review of existing evaluation data on the student, including evaluations and information provided by the parents of the student; current classroom-based assessments and observations which include the student's involvement and progress in the general curriculum; and observations by teachers and related services providers.

For initial evaluations, the child study team report shall also address the results of evaluations in all areas related to the suspected disability, including, if appropriate, health, vision, hearing, social and emotional status, general intelligence, academic performance, communicative status, and motor abilities and the data necessary to address criteria established in ARM 10.16.3010 through 10.16.3022.

ARM 10.16.3321 Comprehensive educational evaluation process
CFR 300.533 Determination of needed evaluation data

14. Which assessments are required for a reevaluation?

For reevaluations, the IEP team shall review existing evaluation data on the student, including evaluations and information provided by the parents of the student; current classroom-based assessments and observations which include the student's involvement and progress in the general curriculum; and observations by teachers and related services providers.

On the basis of the review and input from the child's parents, the IEP team shall identifity what additional data, if any, are needed. The evaluation should be sufficient enough in scope to provide the documentation necessary for the Child Study Team to make its decisions.

ARM 10.16.3321 Comprehensive educational evaluation process
CFR 300.533 Determination of needed evaluation data

15. If a student, who has previously been exited from special education, is newly evaluated for special education services, should the evaluation be conducted as an initial evaluation or a reevaluation?

If the CST report, which previously exited the student from special education services, states that the student was no longer eligible for special education and related services under IDEA because the student no longer met the disability criteria, then the evaluation must be conducted as an initial evaluation and address the results of evaluations in all areas related to the suspected disability.

If the CST report, which previously exited the student from special education services, states that the student was no longer eligible for special education and related services under IDEA because the student no longer demonstrated the need for special education, then the evaluation must be conducted as a reevaluation. The evaluation should be sufficient enough in scope to provide the documentation necessary for the Child Study Team to make its decisions.

If a copy of the CST report, which previously exited the student from special education services, is not available, then the evaluation must be conducted as an initial evaluation.

ARM 10.16.3321

16. What decisions is the Child Study Team required to make?

The responsibility of the Child Study Team is to determine:

- the present levels of performance and educational needs of the child;
- whether the evaluation is sufficiently comprehensive to identify all of the child's special education and related services needs;
- whether the student has a disability which adversely affects the student's involvement and progress in the general curriculum;
- whether the child needs special education and related services, or in the case of a reevaluation of a child, whether the child continues to need special education and related services; and
- whether any additions or modifications to the special education and related services are needed to enable the child to meet the measurable annual goals set out in the IEP and to participate, as appropriate, in the general curriculum.

ARM 10.16.3321 Comprehensive educational evaluation process
CFR 300.533 Determination of needed evaluation data

17. Who is required to be present at the Child Study Team meeting that determines initial eligibility and need for special education services?

The parent(s) of the student, the student (when appropriate), an administrative representative or designee, a general education teacher if the student is/may be participating in general education environment, at least one special education teacher or, if appropriate, special education provider, at least one teacher or other specialist with knowledge in the area of suspected disability (this individual may already be a member of the team) and other individuals who have knowledge or special expertise regarding the student. The following specialists are also required for an initial CST meeting:

REQUIRED FOR INITIAL CST MEETING	LD	CD	SI	ED	HI	TB	DE	DB	AU
School Psychologist	X	X		X		X			X
Speech-language Pathologist			X		X	X	X	X	X
Audiologist					X		X		

ARM 10.16.3322 Composition of a child study team

18. Who is <u>required</u> to be at the CST meeting that determines <u>continued</u> eligibility and need for special education services? (Reevaluation CST)

The parent(s) of the student, the student (when appropriate), an administrative representative or designee, a general education teacher if the student is/may be participating in general education environment, at least one special education teacher or if appropriate, special education provider, at least one teacher or other specialist with knowledge in the area of suspected disability (this individual may already be a member of the team) and other individuals who have knowledge or special expertise regarding the student.

ARM 10.16.3322 Composition of a child study team

19. Who is <u>required</u> to be at a CST meeting if the Child Study Team is considering changing or adding a category of disability for a student who is currently identified?

The Child Study Team must include those members who are required for an initial evaluation in the category of disability in which the student will be newly identified.

ARM 10.16.3322 Composition of a child study team

20. If the parent does not attend the CST meeting, what documentation is required to show that the district provided the parent with an opportunity to participate?

In this case the district must have a record of its attempts to arrange a mutually agreed on time and place, such as detailed records of telephone calls made or attempted and the results of those calls; copies of correspondence sent to the parents and any responses received; and detailed records of visits made to the parent's home or place of employment and the results of those visits.

CFR 300.345 Parent participation

CFR 300.505 Parental consent

21. If a student has an IEP from a Montana school district and transfers to another school district in Montana, must the receiving district conduct a CST meeting to determine the student's eligibility for special education services?

No. If the student has been determined by the previous Montana district to be eligible for special education services using Montana's criteria for eligibility, the receiving district is not required to conduct a CST meeting for an in-state transfer student.

ARM 10.16.3342 Transfer students: intrastate and interstate

22. If a student has an IEP from an out-of-state school district and transfers to a school district in Montana, must the receiving Montana district conduct a CST meeting to determine the student's eligibility for special education services?

If a student, who has been identified as IDEA-qualified in another state, transfers to a district in Montana, the receiving district must determine whether it believes the evaluation conducted in

the previous state meets the requirements of Part B, as well as the education standards of Montana, and whether the student has a disability which adversely affects the student's involvement and progress in the general curriculum and because of that disability needs special education. This determination of eligibility for services in Montana may be made through either the CST or IEP process.

If documentation is done through the CST process, the Child Study Team would summarize or attach the results of previous evaluations in the CST report form and complete the CST form. The section noting whether the CST is an initial or reevaluation CST would be left blank.

If documentation is done through the IEP process, the IEP minutes would indicate that the receiving district believes the evaluation conducted in the previous state meets the requirements of Part B, as well as the education standards of Montana, and that the student has a disability which adversely affects the student's involvement and progress in the general curriculum and because of that disability needs special education.

ARM 10.16.3342 Transfer students: intrastate and interstate

23. Is a Child Study Team meeting required prior to graduation from high school?

A CST meeting is not required before the termination of a student's eligibility if the student graduates with a regular high school diploma, or exceeds the age eligibility for his or her school district. Graduation from high school with a regular diploma constitutes a change in placement, requiring written prior notice.

CFR 300.534 Determination of eligibility
CFR 300.122 Exception to FAPE for certain ages

24. Is a Child Study Team meeting required to exit a student from a related service, such as Speech/Language?

No. A student may be exited from a related service by the student's IEP team. The IEP team would need to document that the student no longer needs the related service in order to benefit from special education.

25. Is a Child Study Team meeting required to exit a student from special education?

Yes. A student may be exited from special education only after a CST has determined that either the disability no longer exists or the student no longer needs special education services. The child study team must evaluate the student in accordance with CFR 300.532 and CFR 300.533 before determining that the child is no longer a child with a disability or no longer needs special education and related services.

However, a CST meeting is not required before the termination of a student's eligibility if the student graduates with a regular high school diploma, or exceeds the age eligibility for his or her school district.

CFR 300.534 Determination of eligibility

Common Questions About the CST Form

EVALUATIONS AND INFORMATION PROVIDED BY THE PARENT(S) AND/OR STUDENT

Parent Comments: _____
Student Comments: _____
Implication for Educational Planning: _____

26. What should be recorded for Parent or Student Comments if the parents do not attend the CST meeting?

If the parents/student do not attend the meeting, this should be noted in the Comments section. If the parent or student does not attend the meeting, information that has been gathered specifically for the Comments section from the parent or student may be included. If they attend the meeting but have no comments, this should also be noted.

ASSESSMENT AREAS

Assessment results, including implications for educational planning, may be summarized or attached as written reports.

Summarized	Report Attached		Summarized	Report Attached	
☐	☐	Academic Achievement	☐	☐	Observations*
☐	☐	Assistive Technology/Services	☐	☐	Physical
☐	☐	Classroom-Based Assessment*	☐	☐	Psychological
☐	☐	Communication	☐	☐	Social/Emotional/Behavioral
☐	☐	Developmental	☐	☐	Speech/Language
☐	☐	Hearing	☐	☐	Transition Needs
☐	☐	Independent Educational Evaluation	☐	☐	Vision
☐	☐	Limited English Proficiency	☐	☐	Other: _____

* Required

27. If we check "Report Attached," must a report be attached to the CST or can it be placed in the special education file for later reference?

If the CST report form indicates that a report is attached, the report must be physically attached to and accompany each copy of the CST report.

28. Can "Observations" be included in the Classroom-Based Assessment or Psychological report or must "Observations" be written in a separate report?

Observations may be included in the classroom-based assessment, the psychological report or may be written in a separate report. In all instances, "Observations" must include implications for educational planning in terms understandable to all team members.

29. Who can conduct the "Observation" of the student?

Teachers and related services providers. However, for the initial evaluation of a student with a specific learning disability, at least one team member other than the student's regular education teacher must observe the student's academic performance in the regular classroom setting. In the case of a student of less than school age or out of school, a team member must observe the student in an environment appropriate for a student of that age.

ARM 10.16.3019 Criteria for specific learning disability

ELIGIBILITY DETERMINATION

Student **IS** eligible for special education and related services under the Individuals with Disabilities Education Act. Basis for making the determination that the student has a disability and needs special education and related services:

Disability criteria: _____

Need for special education: _____

30. If the Child Study Team completes and attaches to the CST report a copy of the Disability Criteria Checklist, must the "Disability criteria" section be completed?

No. However, it should be noted in this section that the Criteria Checklist(s) is attached.

31. Can a student meet the disability criteria, but still not need special education services?

Yes. If the CST determines that the disability does not adversely affect the student's educational performance, then the student does not need special education, and, therefore, the student is not a child with disabilities eligible under the IDEA.

CFR 300.7 Child with a disability

Disability categories (check all that apply):

- ☐ Autism
- ☐ Child with Disability (age 3-5)
- ☐ Cognitive Delay
- ☐ Deaf-Blindness
- ☐ Deafness
- ☐ Emotional Disturbance
- ☐ Hearing Impairment
- ☐ Orthopedic Impairment
- ☐ Other Health Impairment
- ☐ Specific Learning Disability
- ☐ Speech Language Imp.
- ☐ Traumatic Brain Injury
- ☐ Visual Impairment

32. For a student who meets the criteria for more than one category of disability, should the student be identified in only his or her primary category of disability?

A student should be identified in each category of disability for which the student meets the disability criteria and needs special education and related services. This information can aid the IEP team in designing an educational program to meet that student's needs.

Recommendations for consideration by the IEP team:

Special Education Services

☐ Adaptive Physical Education	☐ Reading	☐ Speech/Language
☐ Braille Instruction	☐ Self-Help/Independence	☐ Transition
☐ Career/Vocational	☐ Sensory-Motor	☐ Travel Training
☐ Communication	☐ Social/Emotional/Behavioral	☐ Written Expression
☐ Math		

33. What is "Travel Training"?

Travel training means providing instruction, as appropriate, to children with significant cognitive disabilities, and any other children with disabilities who require this instruction to enable them to develop an awareness of the environment in which they live, and learn the skills necessary to move effectively and safely from place to place within that environment (e.g., in school, in the home, at work, and in the community).

CFR 300.26 Special education

34. When is "Speech/Language" a special education service and when is it a related service?

The term "special education" means specially designed instruction to meet the unique needs of a child with a disability. The term "related service" means supportive services as are required to assist a child with a disability to benefit from special education. If "Speech/Language" is required to assist a child with a disability to benefit from special education, it would be identified as a related education service. If "Speech/Language" is the sole special education service, it is considered the special education service.

CFR 300.24 Related services
CFR 300.26 Special education

35. What is the difference between the special education services of "Communication" and "Speech/Language"?

"Communication" includes the child's language and communication needs, opportunities for direct communications with peers and professional personnel in the child's language and communication mode, academic level, and full range of needs, including opportunities for direct instruction in the child's language and communication mode. "Speech/Language" means a communication disorder, such as stuttering, impaired articulation, a language impairment, or a voice impairment, that adversely affects a child's educational performance.

CFR 300.346 Development, review, and revision of IEP
CFR 300.7 Child with a disability

36. If a special education service area is checked by the Child Study Team, must it be addressed in that student's Individualized Education Program?

The IEP should either address the service area in the IEP document or provide documentation as to why that service area will not be addressed.

Related Services

- ☐ Assistive Technology
- ☐ Audiology
- ☐ Counseling
- ☐ Medical (diagnostic)
- ☐ Occupational Therapy
- ☐ Orientation and Mobility
- ☐ Parent Counseling and Training
- ☐ Physical Therapy
- ☐ Psychological
- ☐ Recreation
- ☐ Rehabilitation Counseling
- ☐ School Health
- ☐ Social Work in Schools
- ☐ Speech/Language
- ☐ Therapeutic Recreation
- ☐ Transportation
- ☐ Other: _____

37. What is "Parent Counseling and Training"?

Parent counseling and training means assisting parents in understanding the special needs of their child; providing parents with information about child development; and helping parents to acquire the necessary skills that will allow them to support the implementation of their child's IEP or IFSP.

CFR 300.24 Related services

38. Can a student qualify for services under IDEA if they need only a related service?

No. If it is determined through an appropriate evaluation that a child has one of the disabilities identified in the Administrative Rules of Montana, but only needs a related service and not special education, the child is not a child with a disability under IDEA. A student must meet the eligibility criteria in Montana's administrative rules and need special education services to receive related services.

CFR 300.7 Child with a disability

DOCUMENTATION—if not eligible

Student **IS NOT** eligible for special education and related services under the Individuals with Disabilities Education Act for the following reason(s):

- ☐ Does not meet disability criteria
- ☐ Does not demonstrate need for special education
- ☐ Lack of instruction in reading or math
- ☐ Limited English proficiency

Discussion: _____

Recommendation for accommodation or referral for other services as appropriate: _____

39. What does a "lack of instruction in reading or math" mean?

A "lack of instruction" means the student has not been provided learning experiences appropriate to the student's age and ability levels.

The following persons, as indicated by their signatures, have participated in the development of this CST document.

40. By signing the CST as having participated in the development of the CST document, have participants indicated that they are in agreement with decisions made by the Child Study Team?

In signing this portion of the CST, members of the Child Study Team document that they have participated in the development of the CST report. Signing as a participant does not necessarily indicate agreement with the outcome of the meeting. If a participant in the Child Study Team feels that the report does not reflect his or her conclusions, he or she shall be provided an opportunity to submit a separate statement of conclusions.

ARM 10.16.3321 Comprehensive educational evaluation process
CFR 300.505 Parental consent

41. If parents or other required members of the Child Study Team are unable to participate in a meeting in person, can other methods be used to ensure their participation?

Yes. Other methods may include individual or conference telephone calls, or video conferencing. It should be noted in the minutes that the person participated by phone or other means. When that person is provided with a copy of the CST, they can sign and return an additional copy of the signature page as a means of documenting their participation.

CFR 300.345 Parent participation
CFR 300.501 Opportunity to examine records; parent participation in meetings

42. If a student identified as learning disabled and needing special education services in reading is assessed at a later date as needing special education services in math, must the Child Study Team reconvene to document that the student now needs special education services in the area of math?

No. The IEP team may develop IEP goals and objectives in the area of math, noting the student's current level of performance and need for special education services in this area. At the student's next regularly scheduled CST meeting, the CST team can identify the areas in which the student needs individually designed instruction.

Common Questions Regarding Eligibility Criteria

43. If a student has been diagnosed as having Aspergers, must they still meet the special education criteria for autism?

To be eligible under IDEA, the student must meet the criteria for a disability category(ies) as defined in the Administrative Rules of Montana and need special education and related services.

ARM 10.16.3011 Criteria for autism

44. If a student has a medical diagnosis of Attention Deficit Disorder, in which disability category should he or she be identified?

A student may be identified in any disability category in which she or he meets the criteria for disability as defined in the Administrative Rules of Montana and needs special education and related services. The criteria for the disability category of Other Health Impaired specifically references chronic or acute health problems such as attention deficit disorder or attention deficit hyperactivity disorder which has been medically diagnosed.

ARM 10.16.3018 Criteria for identification of a student as having other health impairment

45. If a student is being reevaluated, must they continue to meet the initial disability criteria?

No. For reevaluations, the Child Study Team must determine whether the student continues to have a disability.

CFR 300.533 Determination of needed evaluation data

46. The criteria for the disability of Other Health Impairment states that a "medical diagnosis" of a chronic or acute health problem is required to determine that the student is Other Health Impaired. Who can make this medical diagnosis?

The medical diagnosis may only be made by a person who has been licensed or approved by the Board of Medical Examiners and/or Board of Nursing to provide medical services that include diagnosis. These individuals are physicians, physician-assistants, podiatrists, dentists, and nurse practitioners.

ARM 10.16.3018 Criteria for identification of a student as having other health impairment

Administrative Rules of Montana (ARM) cited:

10.16.3011 Criteria for identification of student as having autism

(1) The student may be identified as having autism if documentation supports the existence of a developmental disability that was generally evident before the student was three years of age and if the student has communication difficulties in verbal and nonverbal communication and social interaction.

(2) Assessments shall document the presence of significant delays in verbal and nonverbal communication and social interaction.

(a) Significant delays in verbal communication are manifested by at least one of the following:

(i) delay in, or total lack of, the development of spoken language (not accompanied by an attempt to compensate through alternative modes of communication such as gesture or mime);

(ii) in students with adequate speech, marked impairment in the ability to initiate or sustain a conversation with others.

(b) Significant delays in nonverbal communication are manifested by a marked impairment in the use of multiple nonverbal behaviors such as eye to eye gaze, facial expression, body postures, or gestures to regulate social interaction.

(c) Significant delays in social interaction are manifested by at least one of the following:

(i) failure to develop peer relationships appropriate to developmental levels;

(ii) lack of spontaneous seeking to share enjoyment, interests, or achievements with other people (e.g., lack of showing, bringing or pointing out objects of interest);

(iii) lack of social or emotional reciprocity;

(iv) lack of varied, spontaneous, make-believe play or social imitative play appropriate to developmental level.

(3) Other characteristics often associated with autism may include restricted, repetitive and stereotyped patterns of behavior, interests and activities, as manifested by one or more of the following:

(a) Encompassing preoccupation with one or more stereotyped and restricted patterns of interest that is abnormal either in intensity or focus;

(b) Apparently inflexible adherence to specific nonfunctional routines or rituals;

(c) Stereotyped and repetitive motor mannerisms (e.g., hand or finger flapping or twisting, or complex whole-body movements);

(d) Persistent preoccupation with parts of objects.

(4) A student who manifests the characteristics of autism after age three could be identified as having autism if the criteria in (2) and (3) are met.

(5) The student may not be identified as having autism if the student's educational performance is adversely affected primarily because the student has an emotional disturbance.

10.16.3018 Criteria for identification of student as having other health impairment

(1) The student may be identified as having other health impairment if:

(a) The student has limited strength, vitality or alertness, including a heightened alertness to environmental stimuli that results in limited alertness with respect to the educational environment, that is due to chronic or acute health problems such as asthma, attention deficit disorder or attention deficit hyperactivity disorder, diabetes, epilepsy, a heart condition,

hemophilia, lead poisoning, leukemia, nephritis, rheumatic fever, sickle cell anemia or tuberculosis; and

(b) The condition adversely affects the student's educational performance.

(2) A medical diagnosis of a chronic or acute health problem is required.

10.16.3019 Criteria for identification of student as having specific learning disability (reads in part)

(2) At least one team member other than the student's regular education teacher shall observe the student's academic performance in the regular classroom setting.

(a) In the case of a student of less than school age or out of school, a team member shall observe the student in an environment appropriate for a student of that age.

10.16.3321 Comprehensive educational evaluation process

(1) Before initial provision of special education and related services, a comprehensive and individualized evaluation of the student's educational needs shall be conducted in accordance with the requirements of 34 CFR 300.531 through 300.543.

(2) For initial evaluations, the child study team report shall address:

(a) The results of assessments in all areas related to the suspected disability, including, if appropriate, health, vision, hearing, social and emotional status, general intelligence, academic performance, communicative status, and motor abilities; and

(b) The data necessary to address criteria established in ARM 10.16.3010 through 10.16.3022.

(3) For all initial evaluations and re-evaluations, the child study team report shall address a review of existing evaluation data on the student, including:

(a) Evaluations and information provided by the parents of the student;

(b) Current classroom-based assessments and observations which include the student's involvement and progress in the general curriculum; and

(c) Observations by teachers and related services providers.

(4) The child study team shall determine whether the evaluation is adequate and whether the student has a disability which adversely affects the student's involvement and progress in the general curriculum and because of that disability needs special education.

(5) The child study team shall prepare a written report of the results of the evaluation. The report shall include the results of assessments and shall include statements of implications for educational planning in terms understandable to all team members.

(6) All child study team reports shall include a summary statement of the basis for making the determination whether the student has a disability and needs special education and related services.

(7) All child study team reports will identify a disability category or categories for each student with a disability consistent with 20-7-401, MCA. This identification of a disability category is for the purposes of data reports required by the office of public instruction.

(8) Each participant of the child study team shall be provided an opportunity to submit a separate statement of conclusions if the report does not reflect the conclusions of the participant.

(9) A copy of the report shall be provided to the parent.

10.16.3322 Composition of a Child Study Team

(1) The child study team is a group of individuals that determines whether a student with disabilities is eligible for special education and related services. The child study team includes the following members:

(a) The parents of the student;

(b) At least one general education teacher of the student if the student is or may be participating in the general education environment;

(c) At least one special education teacher or, if appropriate, at least one special education provider;

(d) An administrative representative or designee of the local educational agency who:

(i) is qualified to provide, or supervise the provision of specially designed instruction to meet the unique needs of students with disabilities;

(ii) is knowledgeable about the general curriculum; and

(iii) is knowledgeable about the availability of resources;

(e) At least one teacher or other specialist with knowledge in the area of suspected disability who can interpret the instructional implications of evaluation results. This individual may be a member of the team described in (1)(a) through (f). For specific disabilities, the following specialists or teachers are required for initial evaluation:

(i) emotional disturbance, traumatic brain injury, specific learning disability or cognitive delay - a school psychologist;

(ii) speech-language impairment, deaf/blindness, traumatic brain injury - a speech-language pathologist;

(iii) autism - a school psychologist and speech-language pathologist; and

(iv) deafness or hearing impairment - a speech-language pathologist or audiologist;

(f) At the discretion of the parent or the local educational agency, other individuals who have knowledge or special expertise regarding the student; and

(g) The student, when appropriate.

(2) The local educational agency shall invite other specialists when such specialists are needed to complete a comprehensive evaluation.

10.16.3342 Transfer students: intra-state and interstate

(1) When an IDEA eligible student moves to a new school district within the state and the student's current IEP is available, the new school district shall ensure that there is no interruption of special education and related services. If the current IEP is not available, or if the new school district or the parent believes that the IEP is not appropriate, the new school district must develop a new IEP through appropriate procedures within a short time (normally within one week) after the student enrolls in the new school district. Before the new IEP is finalized, the new school district may provide interim services agreed to by both the parents and the new school district. If the parents and the new school district are unable to agree on an interim IEP and placement, the new school district must implement the former IEP to the extent possible until a new IEP is developed and implemented. To the extent that implementation of the former IEP is impossible, the new district must provide services that approximate, as closely as possible, the former IEP.

(2) When an IDEA eligible student moves to Montana from another state, the first step is to determine whether to adopt the most recent evaluation and IEP.

(a) If the former IEP is adopted by the new district and the parents agree to its use, it can be implemented.

(b) If the former IEP is refused by the new district or the parents, an IEP meeting must proceed in accordance with 34 CFR 300.343. If the former evaluation is rejected by the new district, an evaluation must be conducted without undue delay. During the evaluation, the student shall be placed pursuant to an agreed-upon interim IEP, or in general education in absence of such an agreement.

Code of Federal Regulations (CFR) cited:

CFR 300.7 Child with a disability (reads in part)

(2) (i) Subject to paragraph (a)(2)(ii) of this section, if it is determined, through an appropriate evaluation under §§300.530-300.536, that a child has one of the disabilities identified in paragraph (a)(1) of this section, but only needs a related service and not special education, the child is not a child with a disability under this part.

(11) Speech or language impairment means a communication disorder, such as stuttering, impaired articulation, a language impairment, or a voice impairment, that adversely affects a child's educational performance.

CFR 300.13 Free appropriate public education

As used in this part, the term free appropriate public education or FAPE means special education and related services that—

(a) Are provided at public expense, under public supervision and direction, and without charge;

(b) Meet the standards of the SEA, including the requirements of this part;

(c) Include preschool, elementary school, or secondary school education in the State; and

(d) Are provided in conformity with an individualized education program (IEP) that meets the requirements of §§300.340-300.350.

CFR 300.20 Parent

(a) **General**. As used in this part, the term parent means—

(1) A natural or adoptive parent of a child;

(2) A guardian but not the State if the child is a ward of the State;

(3) A person acting in the place of a parent (such as a grandparent or stepparent with whom the child lives, or a person who is legally responsible for the child's welfare); or

(4) A surrogate parent who has been appointed in accordance with §300.515.

(b) **Foster parent**. Unless State law prohibits a foster parent from acting as a parent, a State may allow a foster parent to act as a parent under Part B of the Act if—

(1) The natural parents' authority to make educational decisions on the child's behalf has been extinguished under State law; and

(2) The foster parent—

(i) Has an ongoing, long-term parental relationship with the child;

(ii) Is willing to make the educational decisions required of parents under the Act; and

(iii) Has no interest that would conflict with the interests of the child.

CFR 300.24 Related services (reads in part)

(a) **General**. As used in this part, the term related services means transportation and such developmental, corrective, and other supportive services as are required to assist a child with a disability to benefit from special education, and includes speech-language pathology and audiology services, psychological services, physical and occupational therapy, recreation, including therapeutic recreation, early identification and assessment of disabilities in children,

counseling services, including rehabilitation counseling, orientation and mobility services, and medical services for diagnostic or evaluation purposes. The term also includes school health services, social work services in schools, and parent counseling and training.

(7) Parent counseling and training means—

(i) Assisting parents in understanding the special needs of their child;

(ii) Providing parents with information about child development; and

(iii) Helping parents to acquire the necessary skills that will allow them to support the implementation of their child's IEP or IFSP.

(14) Speech-language pathology services includes—

(i) Identification of children with speech or language impairments;

(ii) Diagnosis and appraisal of specific speech or language impairments;

(iii) Referral for medical or other professional attention necessary for the habilitation of speech or language impairments;

(iv) Provision of speech and language services for the habilitation or prevention of communicative impairments; and

(v) Counseling and guidance of parents, children, and teachers regarding speech and language impairments.

CFR 300.26 Special education (reads in part)

(2) The term special education includes each of the following, if it meets the requirements of paragraph (a)(1) of this section:

(i) Speech-language pathology services, or any other related service, if the service is considered special education rather than a related service under State standards;

(4) Travel training means providing instruction, as appropriate, to children with significant cognitive disabilities, and any other children with disabilities who require this instruction, to enable them to—

(i) Develop an awareness of the environment in which they live; and

(ii) Learn the skills necessary to move effectively and safely from place to place within that environment (e.g., in school, in the home, at work, and in the community).

CFR 300.122 Exception to FAPE for certain ages (reads in part)

(a) General. The obligation to make FAPE available to all children with disabilities does not apply with respect to the following:

(3) (i) Students with disabilities who have graduated from high school with a regular high school diploma.

(ii) The exception in paragraph (a)(3)(i) of this section does not apply to students who have graduated but have not been awarded a regular high school diploma.

(iii) Graduation from high school with a regular diploma constitutes a change in placement, requiring written prior notice in accordance with §300.503.

CFR 300.345 Parent participation (reads in part)

(a) Public agency responsibility—general. Each public agency shall take steps to ensure that one or both of the parents of a child with a disability are present at each IEP meeting or are afforded the opportunity to participate, including—

(1) Notifying parents of the meeting early enough to ensure that they will have an opportunity to attend; and

(2) Scheduling the meeting at a mutually agreed on time and place.

(c) Other methods to ensure parent participation. If neither parent can attend, the public agency shall use other methods to ensure parent participation, including individual or conference telephone calls.

(d) Conducting an IEP meeting without a parent in attendance. A meeting may be conducted without a parent in attendance if the public agency is unable to convince the parents that they should attend. In this case the public agency must have a record of its attempts to arrange a mutually agreed on time and place, such as -

(1) Detailed records of telephone calls made or attempted and the results of those calls;

(2) Copies of correspondence sent to the parents and any responses received; and

(3) Detailed records of visits made to the parent's home or place of employment and the results of those visits.

CFR 300.346 Development, review, and revision of IEP (reads in part)

(2) (iv) Consider the communication needs of the child, and in the case of a child who is deaf or hard of hearing, consider the child's language and communication needs, opportunities for direct communications with peers and professional personnel in the child's language and communication mode, academic level, and full range of needs, including opportunities for direct instruction in the child's language and communication mode;

CFR 300.501 Opportunity to examine records; parent participation in meetings (reads in part)

(c) **Parent involvement in placement decisions**.

(3) If neither parent can participate in a meeting in which a decision is to be made relating to the educational placement of their child, the public agency shall use other methods to ensure their participation, including individual or conference telephone calls, or video conferencing.

CFR 300.503 Prior notice by the public agency; content of notice (reads in part)

(a) Notice.

(1) Written notice that meets the requirements of paragraph (b) of this section must be given to the parents of a child with a disability a reasonable time before the public agency—

(i) Proposes to initiate or change the identification, evaluation, or educational placement of the child or the provision of FAPE to the child; or

(ii) Refuses to initiate or change the identification, evaluation, or educational placement of the child or the provision of FAPE to the child.

(b) Content of notice. The notice required under paragraph (a) of this section must include—

(1) A description of the action proposed or refused by the agency;

(2) An explanation of why the agency proposes or refuses to take the action;

(3) A description of any other options that the agency considered and the reasons why those options were rejected;

(4) A description of each evaluation procedure, test, record, or report the agency used as a basis for the proposed or refused action;
(5) A description of any other factors that are relevant to the agency's proposal or refusal;
(6) A statement that the parents of a child with a disability have protection under the procedural safeguards of this part and, if this notice is not an initial referral for evaluation, the means by which a copy of a description of the procedural safeguards can be obtained; and
(7) Sources for parents to contact to obtain assistance in understanding the provisions of this part.

CFR 300.504 Procedural safeguards notice (reads in part)

(a) **General**. A copy of the procedural safeguards available to the parents of a child with a disability must be given to the parents, at a minimum—
(1) Upon initial referral for evaluation;
(2) Upon each notification of an IEP meeting;
(3) Upon reevaluation of the child; and
(4) Upon receipt of a request for due process under §300.507.

CFR 300.505 Parental consent (reads in part)

(1) Subject to paragraphs (a)(3), (b) and (c) of this section, informed parent consent must be obtained before—
(i) Conducting an initial evaluation or reevaluation; and
(ii) Initial provision of special education and related services to a child with a disability.
(2) Consent for initial evaluation may not be construed as consent for initial placement described in paragraph (a)(1)(ii) of this section.
(3) Parental consent is not required before—
(i) Reviewing existing data as part of an evaluation or a reevaluation; or
(ii) Administering a test or other evaluation that is administered to all children unless, before administration of that test or evaluation, consent is required of parents of all children.
(b) Refusal. If the parents of a child with a disability refuse consent for initial evaluation or a reevaluation, the agency may continue to pursue those evaluations by using the due process procedures under §§300.507-300.509, or the mediation procedures under §300.506 if appropriate, except to the extent inconsistent with State law relating to parental consent.
(c) Failure to respond to request for reevaluation.
(1) Informed parental consent need not be obtained for reevaluation if the public agency can demonstrate that it has taken reasonable measures to obtain that consent, and the child's parent has failed to respond.
(2) To meet the reasonable measures requirement in paragraph (c)(1) of this section, the public agency must use procedures consistent with those in §300.345(d).
(e) Limitation. A public agency may not use a parent's refusal to consent to one service or activity under paragraphs (a) and (d) of this section to deny the parent or child any other service, benefit, or activity of the public agency, except as required by this part.

CFR 300.515 Surrogate parents

(a) General. Each public agency shall ensure that the rights of a child are protected if—

(1) No parent (as defined in §300.20) can be identified;

(2) The public agency, after reasonable efforts, cannot discover the whereabouts of a parent; or

(3) The child is a ward of the State under the laws of that State.

(b) Duty of public agency. The duty of a public agency under paragraph (a) of this section includes the assignment of an individual to act as a surrogate for the parents. This must include a method—

(1) For determining whether a child needs a surrogate parent; and

(2) For assigning a surrogate parent to the child.

(c) Criteria for selection of surrogates.

(1) The public agency may select a surrogate parent in any way permitted under State law.

(2) Except as provided in paragraph (c)(3) of this section, public agencies shall ensure that a person selected as a surrogate—

(i) Is not an employee of the SEA, the LEA, or any other agency that is involved in the education or care of the child;

(ii) Has no interest that conflicts with the interest of the child he or she represents; and

(iii) Has knowledge and skills that ensure adequate representation of the child.

(3) A public agency may select as a surrogate a person who is an employee of a nonpublic agency that only provides non-educational care for the child and who meets the standards in paragraphs (c)(2)(ii) and (iii) of this section.

(d) Non-employee requirement; compensation. A person who otherwise qualifies to be a surrogate parent under paragraph (c) of this section is not an employee of the agency solely because he or she is paid by the agency to serve as a surrogate parent.

(e) Responsibilities. The surrogate parent may represent the child in all matters relating to—

(1) The identification, evaluation, and educational placement of the child; and

(2) The provision of FAPE to the child.

CFR 300.531 Initial evaluation

Each public agency shall conduct a full and individual initial evaluation, in accordance with §§300.532 and 300.533, before the initial provision of special education and related services to a child with a disability under Part B of the Act.

CFR 300.532 Evaluation Procedures

Each public agency shall ensure, at a minimum, that the following requirements are met:

(a) (1) Tests and other evaluation materials used to assess a child under Part B of the Act—

(i) Are selected and administered so as not to be discriminatory on a racial or cultural basis; and

(ii) Are provided and administered in the child's native language or other mode of communication, unless it is clearly not feasible to do so; and

(2) Materials and procedures used to assess a child with limited English proficiency are selected and administered to ensure that they measure the extent to which the child has a disability and needs special education, rather than measuring the child's English language skills.

(b) A variety of assessment tools and strategies are used to gather relevant functional and developmental information about the child, including information provided by the parent, and information related to enabling the child to be involved in and progress in the general curriculum (or for a preschool child, to participate in appropriate activities), that may assist in determining—

(1) Whether the child is a child with a disability under §300.7; and

(2) The content of the child's IEP.

(c)(1) Any standardized tests that are given to a child—

(i) Have been validated for the specific purpose for which they are used; and

(ii) Are administered by trained and knowledgeable personnel in accordance with any instructions provided by the producer of the tests.

(2) If an assessment is not conducted under standard conditions, a description of the extent to which it varied from standard conditions (e.g., the qualifications of the person administering the test, or the method of test administration) must be included in the evaluation report.

(d) Tests and other evaluation materials include those tailored to assess specific areas of educational need and not merely those that are designed to provide a single general intelligence quotient.

(e) Tests are selected and administered so as best to ensure that if a test is administered to a child with impaired sensory, manual, or speaking skills, the test results accurately reflect the child's aptitude or achievement level or whatever other factors the test purports to measure, rather than reflecting the child's impaired sensory, manual, or speaking skills (unless those skills are the factors that the test purports to measure).

(f) No single procedure is used as the sole criterion for determining whether a child is a child with a disability and for determining an appropriate educational program for the child.

(g) The child is assessed in all areas related to the suspected disability, including, if appropriate, health, vision, hearing, social and emotional status, general intelligence, academic performance, communicative status, and motor abilities.

(h) In evaluating each child with a disability under §§300.531-300.536, the evaluation is sufficiently comprehensive to identify all of the child's special education and related services needs, whether or not commonly linked to the disability category in which the child has been classified.

(i) The public agency uses technically sound instruments that may assess the relative contribution of cognitive and behavioral factors, in addition to physical or developmental factors.

(j) The public agency uses assessment tools and strategies that provide relevant information that directly assists persons in determining the educational needs of the child.

CFR 300.533 Determination of needed evaluation data

(a) Review of existing evaluation data. As part of an initial evaluation (if appropriate) and as part of any reevaluation under Part B of the Act, a group that includes the individuals described in §300.344, and other qualified professionals, as appropriate, shall -

(1) Review existing evaluation data on the child, including—

(i) Evaluations and information provided by the parents of the child;

(ii) Current classroom-based assessments and observations; and

(iii) Observations by teachers and related services providers; and

(2) On the basis of that review, and input from the child's parents, identify what additional data, if any, are needed to determine -

(i) Whether the child has a particular category of disability, as described in §300.7, or, in case of a reevaluation of a child, whether the child continues to have such a disability;

(ii) The present levels of performance and educational needs of the child;

(iii) Whether the child needs special education and related services, or in the case of a reevaluation of a child, whether the child continues to need special education and related services; and

(iv) Whether any additions or modifications to the special education and related services are needed to enable the child to meet the measurable annual goals set out in the IEP of the child and to participate, as appropriate, in the general curriculum.

(b) Conduct of review. The group described in paragraph (a) of this section may conduct its review without a meeting.

(c) Need for additional data. The public agency shall administer tests and other evaluation materials as may be needed to produce the data identified under paragraph (a) of this section.

(d) Requirements if additional data are not needed.

(1) If the determination under paragraph (a) of this section is that no additional data are needed to determine whether the child continues to be a child with a disability, the public agency shall notify the child's parents—

(i) Of that determination and the reasons for it; and

(ii) Of the right of the parents to request an assessment to determine whether, for purposes of services under this part, the child continues to be a child with a disability.

(2) The public agency is not required to conduct the assessment described in paragraph (d)(1)(ii) of this section unless requested to do so by the child's parents.

CFR 300.534 Determination of eligibility

(a) Upon completing the administration of tests and other evaluation materials -

(1) A group of qualified professionals and the parent of the child must determine whether the child is a child with a disability, as defined in §300.7; and

(2) The public agency must provide a copy of the evaluation report and the documentation of determination of eligibility to the parent.

(b) A child may not be determined to be eligible under this part if—

(1) The determinant factor for that eligibility determination is—

(i) Lack of instruction in reading or math; or

(ii) Limited English proficiency ; and

(2) The child does not otherwise meet the eligibility criteria under §300.7(a).

(c)

(1) A public agency must evaluate a child with a disability in accordance with §§300.532 and 300.533 before determining that the child is no longer a child with a disability.

(2) The evaluation described in paragraph (c)(1) of this section is not required before the termination of a student's eligibility under Part B of the Act due to graduation with a regular high school diploma, or exceeding the age eligibility for FAPE under State law.

CFR 300.536 Reevaluation

Each public agency shall ensure—

(a) That the IEP of each child with a disability is reviewed in accordance with §§300.340-300.350; and

(b) That a reevaluation of each child, in accordance with §§300.532-300.535, is conducted if conditions warrant a reevaluation, or if the child's parent or teacher requests a reevaluation, but at least once every three years.

Office of Public Instruction
PO Box 202501
Helena, MT 59620-2501

CHILD STUDY TEAM REPORT

STUDENT INFORMATION

Student's Name	Initials	Birth date	Age	Sex	Grade	Today's Date

Parent/Guardian Name	Parent/Guardian Address	Home Phone
		Work Phone
School	Initial Referral Date	Initial Evaluation ☐
	Next 3-year Comprehensive Reevaluation Due	Reevaluation ☐

EVALUATIONS AND INFORMATION PROVIDED BY THE PARENT(S) AND/OR STUDENT

Parent Comments*: _____

_____

_____

Student Comments: _____

_____

_____

Implication for Educational Planning: _____

_____

_____

ASSESSMENT AREAS

Assessment results, including implications for education planning, may be summarized or attached as written reports.

Summarized	Report Attached		Summarized	Report Attached	
☐	☐	Academic Achievement	☐	☐	Observations*
☐	☐	Assistive Technology/Services	☐	☐	Physical
☐	☐	Classroom-Based Assessment*	☐	☐	Psychological
☐	☐	Communication	☐	☐	Social/Emotional/Behavioral
☐	☐	Developmental	☐	☐	Speech/Language
☐	☐	Hearing	☐	☐	Transition Needs
☐	☐	Independent Educational Evaluation	☐	☐	Vision
☐	☐	Limited English Proficiency	☐	☐	Other:_____

* Required

CHILD STUDY TEAM REPORT

Student's Name: _____ CST Date: _____

ASSESSMENT SUMMARIES

Assessment Area: _____ Evaluator(s): _____ Date of Eval/Observ: _____

Results: _____

_____

_____

Implications/Instructional Strategies for Educational Planning: _____

_____

_____

Assessment Area:_____ Evaluator(s):_____ Date of Eval/Observ: _____

Results: _____

_____

_____

Implications/Instructional Strategies for Educational Planning:

_____

_____

_____

Assessment Area:_____ Evaluator(s): _____ Date of Eval/Observ: _____

Results: _____

_____

_____

Implications/Instructional Strategies for Educational Planning: _____

_____

_____

CHILD STUDY TEAM REPORT

Student's Name: _____ CST Date: _____

ELIGIBILITY DETERMINATION

Student **IS** eligible for special education and related services under the Individuals with Disabilities Education Act. Basis for making the determination that the student has a disability and needs special education and related services:

Disability criteria: _____

_____

Need for special education: _____

_____

Disability categories (check all that apply):

- ☐ Autism
- ☐ Child with Disability (age 3-5)
- ☐ Cognitive Delay
- ☐ Deaf-Blindness
- ☐ Deafness
- ☐ Emotional Disturbance
- ☐ Hearing Impairment
- ☐ Orthopedic Impairment
- ☐ Other Health Impairment
- ☐ Spec. Learning Disability
- ☐ Speech/Lang. Imp.
- ☐ Traumatic Brain Injury
- ☐ Visual Impairment

Recommendations for consideration by the IEP team:

Special Education Services

- ☐ Adaptive Physical Education
- ☐ Braille Instruction
- ☐ Career/Vocational
- ☐ Communication
- ☐ Math
- ☐ Reading
- ☐ Self-Help/Independence
- ☐ Sensory-Motor
- ☐ Social/Emotional/Behavioral
- ☐ Speech/Language
- ☐ Transition
- ☐ Travel Training
- ☐ Written Expression

Related Services

- ☐ Assistive Technology
- ☐ Audiology
- ☐ Counseling
- ☐ Medical (diagnostic)
- ☐ Occupational Therapy
- ☐ Orientation and Mobility
- ☐ Parent Counseling and Training
- ☐ Physical Therapy
- ☐ Psychological
- ☐ Recreation
- ☐ Rehabilitation Counseling
- ☐ School Health
- ☐ Social Work in Schools
- ☐ Speech/Language
- ☐ Therapeutic Recreation
- ☐ Transportation
- ☐ Other: _____

DOCUMENTATION—if not eligible

Student **IS NOT** eligible for special education and related services under the Individuals with Disabilities Education Act for the following reason(s):

☐ Does not meet disability criteria
☐ Does not demonstrate need for special education
☐ Lack of instruction in reading or math
☐ Limited English proficiency

Discussion: _____

Recommendation for accommodation or referral for other services as appropriate: _____

_____

CHILD STUDY TEAM REPORT

Student's Name: _____ CST Date: _____

Notes/Minutes:

The following persons, as indicated by their signatures, have participated in the development of this CST document.

_____ → ☐ I received a copy of the CST report.
Parent/Guardian/Surrogate Date

_____ → ☐ I received a copy of the CST report.
Parent/Guardian/Surrogate Date

_____ → ☐ I received a copy of the CST report.
Student Date (Adult Student Only)

Administrator or Designee	Date	Speech/Language Pathologist	Date
Regular Education Teacher	Date	Signature/Position	Date
Special Education Teacher	Date	Signature/Position	Date
School Psychologist	Date	Signature/Position	Date

Each participant of the Child Study Team shall be provided an opportunity to submit a separate statement of conclusions if the report does not reflect the conclusions of the participant.

☐ Dissenting report will be attached.

Person(s) submitting a separate statement of conclusions: _____

Reasons: _____

Office of Public Instruction PO Box 202501 Helena, MT 59620-2501	**Review of Existing Evaluation Data**

Student's Name	Initials	Birthdate	Today's Date	Next 3-year Comprehensive Reevaluation Due
Parent/Guardian Name	IEP Manager (Contact for parent) and Phone Number			School

The purpose of the review of existing evaluation data is to identify what, if any, additional data are needed to determine:

- Whether the student has or continues to have a disability;
- The present levels of performance and educational needs of the student;
- Whether the child needs or continues to need special education and related services; and
- Whether any additions or modifications to the special education and related services are needed to enable the child to meet the measurable annual goals set out in the Individualized Education Program of the child and to participate, as appropriate, in the general curriculum.

The following existing evaluation data were reviewed:

Current Classroom-Based Assessments and Observations
Teacher and Related Services Providers' Observations
Evaluations and Information provided by the parents of the student
Other:_____
Other:_____

Based on the review of the existing evaluation data, the IEP Team and other qualified professionals have determined that:

☐ Additional data are not needed to determine whether the student continues to be a student with a As the parent, you have the right to request an assessment to determine whether your child continues to be a student with a disability. The school district shall not be required to conduct such an assessment unless requested by the child's parents.

☐ Additional data are needed to determine whether the student continues to be a student with a disability. Additional data is needed for the following reason(s):_____

The IEP Team may conduct the Review of Existing Evaluation Data without a meeting.

The following persons, as indicated by their signatures, have participated in the Review of Existing Evaluation Data.

Parent/Guardian/Surrogate	Date	School Psychologist	
Parent/Guardian/Surrogate	Date	Speech/Language Pathologist	
Student	Date	Signature/Position	
Administrator or Designee	Date	Signature/Position	
Regular Education Teacher	Date	Signature /Position	
Special Education Teacher	Date		

CHILD STUDY TEAM REPORT
ASSESSMENT SUMMARY AND IMPLICATIONS EXAMPLES

Assessment Area: Classroom-Based Assessment

Results:
Amanda is reading at 44 words per minute in a beginning second-grade basal, compared to a class mean of 85 words per minute in the same materials. Amanda's written production is approximately 10 percent of her classmates. Handwriting is nearly illegible. Amanda's math score on a chapter test on addition was 87 percent compared to the class mean of 89 percent. Daily work is seldom completed because of distractibility. Amanda's spelling average is 76 percent on the same list as her classmates, but scores vary greatly from week to week and writing is laborious.

Implications for Educational Planning:
Amanda will need additional support in the area of reading, with grade-level materials read to her as needed. She will need to dictate written assignments or use a computer, and whenever possible take spelling and math tests orally. She will require assistance with the development of handwriting skills. The team should consider a behavior plan to help improve work completion that takes into consideration writing difficulties.

Assessment Area: Psychological

Results:
On the Wechsler Intelligence Scale for Children (3rd Ed.) Amanda scored well within the average range, scoring near the 66th percentile. Very significant subtest variability was noted with verbal-comprehension scores being significantly higher (97th percentile) than perceptional-organizational scores (23rd percentile). Her score on the Processing Speed index was near the low end of the average range (near the 18th percentile).

Implications for Educational Planning:
Amanda's verbal-comprehension skills will likely be a great asset in the classroom, particularly in discussion activities. Her difficulties with visual-spatial tasks will likely cause some frustration and she will require more time for non-verbal processing. Written assignments may take longer as she works to process visual information. Classroom support and modifications will be necessary to accommodate her needs.

Assessment Area: Academic Achievement

Results:
WIAT standard scores:
Reading: 1.5 grade equivalent
Mathematics: 1.8 grade equivalent
Language: 4.8 grade equivalent
Writing: 1.4 grade equivalent

Implications for Educational Planning:
Amanda is functioning significantly below her same-age peers in the areas of reading, math, and written language. She will need added support and some individualized instruction in the classroom and /or the resource room to help strengthen her skills and her ability to meet with a greater level of success. She will need adapted and/or shortened assignments.

Assessment Area: Observations

Results:
Amanda was observed to be well on task (92%) during a listening activity. During independent seatwork she was observed to be much less engaged (42%). She seemed to have difficulty organizing materials, and needed a great deal of individual direction from the classroom teacher.

Implications for Educational Planning:
Amanda's positive attention to task during oral activities indicates an area of strength. It would be helpful to include auditory directions and cues when expecting her to complete tasks. She may require individual assistance with organization and independent seatwork.

Assessment Area: Social/ Emotional/Behavioral

Results:
Amanda reports a generally positive attitude toward school, although some frustrations were noted regarding tasks requiring writing (which is a significant portion of her day). Socially, Amanda reports having several friends at school, which is consistent with teacher report and observations. No significant difficulties were noted regarding her social-emotional adjustment.

Implications for Educational Planning:
Although Amanda's attitude toward school is quite positive at this time, her frustration with writing will have to be carefully watched so as not to develop into greater general frustration with school. Accommodations for writing will help to alleviate some of the difficulties that Amanda is experiencing.

Assessment Area: Speech/Language

Results:
Amanda has numerous speech sound errors because of distortions and substitutions. The following sounds are ones used incorrectly at word level and in connected speech: a, k, sh, l, r, dz, th, v, s, and voiced th. Amanda is difficult to understand at times because of these speech errors. Her performance is two standard deviations below the norm.

Implications for Educational Planning:
Because of Amanda's speech errors she may be difficult to understand and she may have difficulty with phonics in her reading program. She becomes upset when she can't be understood and may require some accommodations in her classroom. Amanda needs speech therapy services to assist her in learning correct sounds. She may also need assistance with phonetics as part of her basic reading program.

CHILD STUDY TEAM REPORT
DISABILITY CRITERIA AND NEED FOR SPECIAL EDUCATION EXAMPLES

Basis for making the determination that the student has a disability and needs special education and related services:

Initial Evaluation: Learning Disabilities

Disability Criteria:
Robin shows a significant two standard deviation discrepancy between cognitive ability scores and academic achievement test results in the areas of reading and written language. Despite interventions and the provision of appropriate learning experiences, she is achieving below her age level in both areas.

Need for Special Education:
Robin requires individually designed assignments, special accommodations, and the support of a special education teacher in the classroom to help her acquire the information from the second grade curriculum.

Reevaluation: Learning Disabilities

Disability Criteria:
A discrepancy continues to exist between Bonnie's cognitive abilities and her achievement, particularly in the areas of reading and written language.

Need for Special Education:
Bonnie continues to require individually designed assignments and support from the resource teacher to help her acquire the information from the second grade curriculum.

Initial Evaluation: Emotional Disturbance

Disability Criteria:
Steve exhibits inappropriate behaviors in the classroom, which are atypical for a child his age. His behaviors include extended periods of kicking and hitting that are difficult to control. He has difficulty controlling inappropriate comments to peers and maintaining interpersonal relationships. The behaviors have persisted over a marked period of time and are affecting his performance in school. Prior interventions to decrease behaviors have not proven successful.

Need for Special Education:
Steve's behavior interferes with his ability to perform in the classroom. He is approximately two years behind his peers in the areas of reading and math. He requires individual assistance with behavior and academic supports from the special education teacher.

Reevaluation: Emotional Disturbance

Disability Criteria:
Matt continues to demonstrate an inability to maintain satisfactory relationships with peers and teachers in school. He also continues to display periods of major depression. His behavior affects educational performance in all subject areas.

Need for Special Education:
Matt's emotional and behavioral symptoms continue to interfere with classroom performance. He needs a structured setting with continued individualized support and group counseling to help him meet with success in school.

Initial Evaluation: Speech/Language

Disability Criteria:
Speech/Language testing indicates that Shauna falls below the first percentile on the Arizona Articulation Proficiency Scale and on the Word Articulation Subtest on the TOLD-3. She is 50% intelligible with careful listening to the normal listener. Evaluation results indicate a significant deviation in articulation errors. Observations indicate the speech-language impairment is affecting communication in the classroom.

Need for Special Education:
Shauna is having difficulty making herself understood in the classroom. She requires speech services to help remediate the misarticulations. She also needs special accommodations and support from the speech/language pathologist to assist with oral communication in the classroom.

Reevaluation: Speech/Language

Disability Criteria:
Misarticulations continue to negatively impact overall intelligibility with adults and peers in the classroom. Reevaluation data indicates that Kevin continues to deviate from the norm and despite interventions, there continues to be an adverse educational effect of the speech-language impairment in the classroom.

Need for Special Education:
Kevin continues to have difficulty with intelligibility and is experiencing some frustration when he is unable to make himself understood. He requires direct services and support from the speech/language pathologist in order to improve oral communication with adults and peers in the classroom.

Eligibility Criteria Checklists

Autism
Child with Disability
Cognitive Delay
Deaf-Blindness
Deafness
Emotional Disturbance
Hearing Impairment
Orthopedic Impairment
Other Health Impairment
Specific Learning Disability
Speech Language Impairment
Traumatic Brain Injury
Visual Impairment

10.16.3011 CRITERIA FOR AUTISM

Yes No Documentation supports the existence of a developmental disability that was generally evident before the student was three years of age; **and**

Yes No The student has communication difficulties in verbal and nonverbal communication and social interaction.

Yes No Assessments document the presence of significant delays in verbal and nonverbal communication and social interaction.

Significant delays in verbal communication are manifested by at least one of the following:

Yes No Delay in, or total lack of, the development of spoken language (not accompanied by an attempt to compensate through alternative modes of communication such as gesture or mime).

Yes No In students with adequate speech, marked impairment in the ability to initiate or sustain a conversation with others.

Yes No Significant delays in nonverbal communication are manifested by a marked impairment in the use of multiple nonverbal behaviors such as eye-to-eye gaze, facial expression, body postures, or gestures to regulate social interaction.

Significant delays in social interaction are manifested by at least one of the following:

Yes No Failure to develop peer relationships appropriate to developmental levels;

Yes No Lack of spontaneous seeking to share enjoyment, interests, or achievements with other people (e.g., lack of showing, bringing or pointing out objects of interest);

Yes No Lack of social or emotional reciprocity;

Yes No Lack of varied, spontaneous, make-believe play or social imitative play appropriate to developmental level.

A student who manifests the characteristics of autism after age three could be identified as having autism if the criteria for significant delays in verbal communication and significant delays in social interaction are met.

The following information is provided to assist the Child Study Team, but is not required for identification of a student with autism:

Other characteristics often associated with autism may include restricted, repetitive and stereotyped patterns of behavior, interests and activities, as manifested by one or more of the following:

Encompassing preoccupation with one or more stereotyped and restricted patterns of interest that is abnormal either in intensity or focus;

Apparently inflexible adherence to specific nonfunctional routines or rituals;

Stereotyped and repetitive motor mannerisms (e.g., hand or finger flapping or twisting, or complex whole-body movements);

Persistent preoccupation with parts of objects.

EXCLUSIONARY FACTORS:

The student may not be identified as having autism if the student's educational performance is adversely affected primarily because the student has an emotional disturbance.

Student Name: _____ **CST Date:** _____

10.16.3010 CRITERIA FOR CHILD WITH DISABILITIES

Yes No The child is 3, 4, or 5 years old; **and**

Yes No Meets the criteria for one or more disabilities in ARM 10.16.3011 through 10.16.3022.

Yes No The student experiences a severe delay in development. (At the discretion of the local educational agency, a student may be identified as being a child with disabilities if the student experiences a severe delay in development.)

DEFINITIONS:

A severe delay in development means:

The child functions at a developmental level two or more standard deviations below the norm in any one area of development or 1.5 standard deviations below the norm in two or more areas of development; **and**

The areas of development include one or more of the following areas: cognitive development, physical development, communication development, social and emotional development, or adaptive functioning skills.

Student Name: _____ **CST Date:** _____

10.16.3012 CRITERIA FOR COGNITIVE DELAY

Yes No The student has a significantly subaverage general intellectual functioning; **and**

Yes No Corresponding deficits in adaptive behavior and educational performance, especially in the area of application of basic academic skills in daily life activities.

Yes No The presence of subaverage general intellectual functioning must occur between conception and the 18th birthday.

DEFINITIONS:

"General intellectual functioning" means performance on a standardized intelligence test that measures general cognitive ability rather than one limited facet of ability.

"Significantly subaverage general intellectual functioning" is defined as two or more standard deviations below the population mean on a standardized intelligence test. Error in test measurement requires clinical judgment for students who score near two standard deviations below the mean.

"Deficits in adaptive behavior" is defined as significant limitations in the student's effectiveness in meeting the standards of personal independence, interpersonal communication, and social responsibility expected for the student's age/grade peers and cultural group as measured by standardized instruments or professionally recognized scales.

Student Name: _____ **CST Date:** _____

10.16.3013 CRITERIA FOR DEAF-BLINDNESS

The student:

Yes No Meets the criteria in ARM 10.16.3022 for visual impairment;

Yes No Meets the criteria in ARM 10.16.3020 for speech-language impairment;

Yes No Meets the criteria in ARM 10.16.3016 for hearing impairment or in ARM 10.16.3014 for deafness; **and**

Yes No Is experiencing severe delays in communication and other developmental and educational skills such that services designed solely for students with deafness or for students with blindness would not meet the student's educational needs.

Student Name: _____ **CST Date:** _____

10.16.3014 CRITERIA FOR DEAFNESS

Yes No An audiological report documents that hearing loss is so severe that the student is impaired in processing linguistic information, with or without amplification, to the extent that prevents the auditory channel from being the primary mode of learning speech and language.

Yes No The student's educational performance is adversely affected as documented by specific examples:

_____

_____

The results and analysis of a current assessment of language development, as measured by standardized tests or professionally recognized scales appropriate to age level and administered individually, is required to show an impairment in processing linguistic information prior to identification.

DEFINITIONS:

"Adversely affect the student's educational performance" means that there is evidence that measures of student performance (e.g., achievement tests, grades, behavioral assessments, analysis of classroom assignments, or criterion-referenced tests, etc.) indicate a pattern of educational attainment that can wholly or in part be attributed to the disabling condition.

Student Name: _____ **CST Date:** _____

10.16.3015 CRITERIA FOR EMOTIONAL DISTURBANCE

A condition, which includes one or more of the following characteristics, is present:

Yes No An inability to build or maintain satisfactory relationships with peers and teachers;

Yes No Inappropriate types of behavior or feelings under normal circumstances, including behaviors which are psychotic or bizarre in nature or behaviors which are atypical and for which no observable reason exists;

Yes No A general, pervasive mood of unhappiness or depression, including major depression and dysthymia, but excluding normal grief reactions;

Yes No A tendency to develop physical symptoms or fears associated with personal or school problems, including separation anxiety, avoidant disorder and overanxious disorder;

Yes No Schizophrenia.

Each of the conditions above shall meet the criteria of having been present:

Yes No To a marked degree,
Yes No Over a long period of time, **and**
Yes No Adversely affecting the student's educational performance.

Yes No The student has been observed in more than one setting within the educational environment; **and**

Yes No The local education agency has planned and implemented one or more positive behavioral interventions specific to the individual student.

Interventions shall not unnecessarily delay appropriate identification when it can be shown through a student's social or developmental history, compiled directly from the student's parents or from records when the parents are not available, the existence of characteristics that clearly identify emotional disturbance.

EXCLUSIONARY FACTORS:

The student may not be identified as having emotional disturbance if:

Delays in educational performance are primarily due to visual impairment, hearing impairment, orthopedic impairment, cognitive delay, health factors, cultural factors or limited educational opportunity.

Common disciplinary problems may exist in conjunction with emotional disturbance, but cannot be used as the sole criteria for determining the existence of an emotional disturbance.

The term emotional disturbance does not apply to students who are socially maladjusted, unless it is determined that they meet the criteria for emotional disturbance.

DEFINITIONS:

"Adversely affect the student's educational performance" means that there is evidence that measures of student performance (e.g., achievement tests, grades, behavioral assessments, analysis of classroom assignments, or criterion-referenced tests, etc.) indicate a pattern of educational attainment that can wholly or in part be attributed to the disabling condition.

Student Name: _____ **CST Date:** _____

10.16.3016 CRITERIA FOR HEARING IMPAIRMENT

Yes No An audiological report documents a permanent hearing loss in excess of 20 dB better ear average in the speech range (500, 1,000, 2,000 Hz), unaided, **or**

Yes No A history of fluctuating hearing loss which has interrupted the normal acquisition of speech and language and continues to adversely affect educational performance.

DEFINITIONS:

"Adversely affect the student's educational performance" means that there is evidence that measures of student performance (e.g., achievement tests, grades, behavioral assessments, analysis of classroom assignments, or criterion-referenced tests, etc.) indicate a pattern of educational attainment that can wholly or in part be attributed to the disabling condition.

Student Name: _____ **CST Date:** _____

10.16.3017 CRITERIA FOR ORTHOPEDIC IMPAIRMENT

Yes No The student is diagnosed by a qualified medical practitioner as having an orthopedic impairment.

Yes No The impairment is severe; **and**

Yes No The impairment adversely affects the student's educational performance.

DEFINITIONS:

The term orthopedic impairment includes impairments caused by congenital anomaly (e.g., clubfoot, absence of some member, etc.), impairments caused by disease (e.g., poliomyelitis, bone tuberculosis, etc.), and impairments from other causes (e.g., cerebral palsy, amputations, and fractures or burns that cause contractures).

"Adversely affect the student's educational performance" means that there is evidence that measures of student performance (e.g., achievement tests, grades, behavioral assessments, analysis of classroom assignments, or criterion-referenced tests, etc.) indicate a pattern of educational attainment that can wholly or in part be attributed to the disabling condition.

Student Name: _____ **CST Date:** _____

10.16.3018 CRITERIA FOR OTHER HEALTH IMPAIRMENT

Yes No The student has limited strength, vitality or alertness, including a heightened alertness to environmental stimuli that results in limited alertness with respect to the educational environment, that is due to chronic or acute health problems such as asthma, attention deficit disorder or attention deficit hyperactivity disorder, diabetes, epilepsy, a heart condition, hemophilia, lead poisoning, leukemia, nephritis, rheumatic fever, sickle cell anemia or tuberculosis; **and**

Yes No The condition adversely affects the student's educational performance.

Yes No The student has a medical diagnosis of a chronic or acute health problem. (REQUIRED)

DEFINITIONS:

"Adversely affect the student's educational performance" means that there is evidence that measures of student performance (e.g., achievement tests, grades, behavioral assessments, analysis of classroom assignments, or criterion-referenced tests, etc.) indicate a pattern of educational attainment that can wholly or in part be attributed to the disabling condition.

Student Name: _____ **CST Date:** _____

10.16.3019 CRITERIA FOR SPECIFIC LEARNING DISABILITY

Yes No When provided learning experiences appropriate to the student's age and ability levels, the student's rate of achievement relative to the student's age and ability levels remains below expectations; **and**

Yes No The student does not achieve commensurate with his or her age and ability levels in one or more of the areas listed in (1) (b).
Area(s): _____

(1) (b) The student has a severe discrepancy between intellectual ability and achievement, that is not correctable without special education and related services, in one or more of the following areas:

Yes	No	oral expression	Yes	No	listening comprehension
Yes	No	written expression	Yes	No	basic reading skill
Yes	No	reading comprehension	Yes	No	mathematics calculation
Yes	No	mathematics reasoning			

Yes No At least one team member, other than the student's regular education teacher, has observed the student's academic performance in the regular classroom setting. In the case of a student of less than school age or out of school, a team member has observed the student in an environment appropriate for a student of that age.

Documentation of the learning disability determination:

Yes No Includes a statement of the relevant behavior noted during the observation of the student. (34 CFR 300.543).

Yes No Includes a statement of the relationship of that behavior to the student's academic functioning.

Yes No Includes a report of one or more intervention techniques specific to the individual student.

Yes No Includes educationally relevant medical findings, if any, that have been considered.

Yes No If appropriate, states the basis for concluding that the use of standardized test instruments would not be valid whenever alternatives to norm-referenced tests are utilized to determine a severe discrepancy.

EXCLUSIONARY FACTORS:

The student may not be identified as having a specific learning disability if the severe discrepancy between ability and achievement is primarily the result of a visual, hearing, or motor impairment; cognitive delay; emotional disturbance; environmental or economic disadvantage; or cultural difference.

DEFINITIONS:

A severe discrepancy is defined as a 50 percent or higher probability of a two standard deviation discrepancy between general cognitive ability and achievement in one or more of the areas identified in (1) (b) when adjusted for regression to the mean. Error in test measurement requires judgment for students who score near two standard deviations below the population mean. When exercising this judgment, consideration of additional information, such as classroom performance relative to the student's performance on norm- referenced tests, shall be used as the basis for determining the severe discrepancy.

Alternatives to norm-referenced tests, such as curriculum-based assessments, shall be utilized to determine severe discrepancy whenever cultural factors, test conditions, size of test item sampling for the student's age, or other factors render standardized assessment results invalid. When utilizing alternative assessment procedures, a determination must still be made that a discrepancy between ability and achievement exists at a level of severity similar in size to the discrepancy that would have otherwise been found as described in the above paragraph.

Student Name: _____ CST Date: _____

10.16.3020 CRITERIA FOR SPEECH-LANGUAGE IMPAIRMENT

Yes No The student has a significant deviation in speech such as fluency, articulation or voice, **or**

Yes No The student has a significant deviation in the ability to decode or encode oral language which involves phonology, morphology, semantics or pragmatics or a combination thereof.

Yes No Documentation of the student's interpersonal communication effectiveness in a variety of educational settings by the teacher, parent, speech-language pathologist, and others as appropriate supports the adverse educational effect of the speech-language impairment or oral communication in a classroom or school setting.

EXCLUSIONARY FACTORS:

The student may not be identified as having a speech-language impairment if the speech or language problems primarily result from environmental or cultural factors.

DEFINITIONS:

The student has a significant deviation in oral performance if the student's performance on standardized test is two standard deviations below the population mean, or between 1.5 and two standard deviations below the population mean, and there is documented evidence over a six month period prior to the current evaluation of no improvement in the speech-language performance of the student even with regular classroom interventions.

For articulation, a significant deviation is consistent articulation errors persisting one year beyond the highest age when 90 percent of the students have acquired the sounds based upon specific developmental norms.

If norm-referenced procedures are not used, alternative assessment procedures shall substantiate a significant deviation from the norm.

Student Name: _____ **CST Date:** _____

10.16.3021 CRITERIA FOR TRAUMATIC BRAIN INJURY

Yes No The student has an acquired injury to the brain caused by external physical force which substantially limits the student's functional or psychosocial ability or both **and** the student's ability to learn or participate in the general education curriculum.

EXCLUSIONARY FACTORS:

The student may not be identified as having a traumatic brain injury if the injury to the brain is congenital, degenerative, or caused by birth trauma.

DEFINITIONS:

The term traumatic brain injury applies to open or closed head injuries resulting in impairments in one or more areas such as cognition, language, memory, attention, reasoning, abstract thinking, judgment, problem-solving, sensory, perceptual, and motor abilities, psycho-social behavior, physical function, information processing, and speech.

Student Name: _____ **CST Date:** _____

10.16.3022 CRITERIA FOR VISUAL IMPAIRMENT

Yes No The student has a visual acuity of 20/70 or less in the better eye with correction or field of vision which at its widest diameter subtends an angle of no greater than 20 degrees in the better eye with correction.

Student Name: _____ **CST Date:** _____

DISABILITY CRITERIA

Administrative Rules of Montana
10.16.3010 through 10.16.3022

10.16.3010 CHILD WITH DISABILITIES AGES 3-5

10.16.3011 AUTISM

10.16.3012 COGNITIVE DELAY

10.16.3013 DEAF-BLINDNESS

10.16.3014 DEAFNESS

10.16.3015 EMOTIONAL DISTURBANCE

10.16.3016 HEARING IMPAIRMENT

10.16.3017 ORTHOPEDIC IMPAIRMENT

10.16.3018 OTHER HEALTH IMPAIRMENT

10.16.3019 SPECIFIC LEARNING DISABILITY

10.16.3020 SPEECH-LANGUAGE IMPAIRMENT

10.16.3021 TRAUMATIC BRAIN INJURY

10.16.3022 VISUAL IMPAIRMENT

10.16.3010 CRITERIA FOR IDENTIFICATION OF A CHILD WITH DISABILITIES AGES 3-5

(1) A student may be identified as being a child with disabilities, without the specific category being identified, if the student is 3, 4, or 5 years old and meets the criteria for one or more disabilities in ARM 10.16.3011 through 10.16.3022.

(2) At the discretion of the local educational agency, a student may be identified as being a child with disabilities if the student experiences a severe delay in development. A severe delay in development means:

(a) the student functions at a developmental level two or more standard deviations below the norm in any one area of development or 1.5 standard deviations below the norm in two or more areas of development; and

(b) the areas of development include one or more of the following areas: cognitive development, physical development, communication development, social and emotional development, or adaptive functioning skills.

(History: Sec. 20-7-402, MCA; IMP, Sec. 20-7-401, 20-7-403, MCA; NEW, 1993 MAR p. 1913, Eff. 8/13/93; AMD & TRANS, 2000 MAR p. 1048, Eff. 7/1/00.)

10.16.3011 CRITERIA FOR IDENTIFICATION OF STUDENT AS HAVING AUTISM

(1) The student may be identified as having autism if documentation supports the existence of a developmental disability that was generally evident before the student was three years of age and if the student has communication difficulties in verbal and nonverbal communication and social interaction.

(2) Assessments shall document the presence of significant delays in verbal and nonverbal communication and social interaction.

(a) Significant delays in verbal communication are manifested by at least one of the following:

(i) delay in, or total lack of, the development of spoken language (not accompanied by an attempt to compensate through alternative modes of communication such as gesture or mime);

(ii) in students with adequate speech, marked impairment in the ability to initiate or sustain a conversation with others.

(b) Significant delays in nonverbal communication are manifested by a marked impairment in the use of multiple nonverbal behaviors such as eye to eye gaze, facial expression, body postures, or gestures to regulate social interaction.

(c) Significant delays in social interaction are manifested by at least one of the following:

(i) failure to develop peer relationships appropriate to developmental levels;

(ii) lack of spontaneous seeking to share enjoyment, interests, or achievements with other people (e.g., lack of showing, bringing or pointing out objects of interest);

(iii) lack of social or emotional reciprocity;

(iv) lack of varied, spontaneous, make-believe play or social imitative play appropriate to developmental level.

(3) Other characteristics often associated with autism may include restricted, repetitive and stereotyped patterns of behavior, interests and activities, as manifested by one or more of the following:

(a) Encompassing preoccupation with one or more stereotyped and restricted patterns of interest that is abnormal either in intensity or focus;

(b) Apparently inflexible adherence to specific nonfunctional routines or rituals;

(c) Stereotyped and repetitive motor mannerisms (e.g., hand or finger flapping or twisting, or complex whole-body movements);

(d) Persistent preoccupation with parts of objects.

(4) A student who manifests the characteristics of autism after age three could be identified as having autism if the criteria in (2) and (3) are met.

(5) The student may not be identified as having autism if the student's educational performance is adversely affected primarily because the student has an emotional disturbance.

(History: Sec. 20-7-402, MCA; IMP, Sec. 20-7-401, 20-7-403, 20-7-414, MCA; NEW, 1999 MAR p. 69, Eff. 1/15/99; AMD & TRANS, 2000 MAR p. 1048, Eff. 7/1/00.)

10.16.3012 CRITERIA FOR IDENTIFICATION OF STUDENT AS HAVING COGNITIVE DELAY

(1) The student may be identified as having cognitive delay if the student has a significantly subaverage general intellectual functioning and corresponding deficits in adaptive behavior and educational performance, especially in the area of application of basic academic skills in daily life activities.

(2) "General intellectual functioning" means performance on a standardized intelligence test that measures general cognitive ability rather than one limited facet of ability.

(a) "Significantly subaverage general intellectual functioning" is defined as two or more standard deviations below the population mean on a standardized intelligence test. Error in test measurement requires clinical judgment for students who score near two standard deviations below the mean.

(b) The presence of subaverage general intellectual functioning must occur during the developmental period defined as the period of time between conception and the 18th birthday.

(3) Deficits in adaptive behavior is defined as significant limitations in the student's effectiveness in meeting the standards of personal independence, interpersonal communication, and social responsibility expected for the student's age/grade peers and cultural group as measured by standardized instruments or professionally recognized scales.

(History: Sec. 20-7-402, MCA; IMP, Sec. 20-7-401, 20-7-403, MCA; NEW, 1993 MAR p. 1913, Eff. 8/13/93; AMD & TRANS, 2000 MAR p. 1048, Eff. 7/1/00.)

10.16.3013 CRITERIA FOR IDENTIFICATION OF STUDENT AS HAVING DEAF-BLINDNESS

(1) The student may be identified as having deaf-blindness if documentation supports that the student:

(a) Meets the criteria in ARM 10.16.3022 for visual impairment;

(b) Meets the criteria in ARM 10.16.3020 for speech-language impairment;

(c) Meets the criteria in ARM 10.16.3016 for hearing impairment or in ARM 10.16.3014 for deafness; and

(d) Is experiencing severe delays in communication and other developmental and educational skills such that services designed solely for students with deafness or for students with blindness would not meet the student's educational needs.

(History: Sec. 20-7-402, MCA; IMP, Sec. 20-7-401, 20-7-403, 20-7-414, MCA; NEW, 1993 MAR p. 1913, Eff. 8/13/93; AMD, 1999 MAR p. 69, Eff. 1/15/99; AMD & TRANS, 2000 MAR p. 1048, Eff. 7/1/00.)

10.16.3014 CRITERIA FOR IDENTIFICATION OF STUDENT AS HAVING DEAFNESS

(1) The student may be identified as having deafness if an audiological report documents that hearing loss is so severe that the student is impaired in processing linguistic information, with or without amplification, to the extent that prevents the auditory channel from being the primary mode of learning speech and language.

(2) The student's educational performance is adversely affected as documented by specific examples. The results and analysis of a current assessment of language development as measured by standardized tests or professionally recognized scales appropriate to age level and administered individually is required to show an impairment in processing linguistic information prior to identification.

(History: Sec. 20-7-402, MCA; IMP, Sec. 20-7-401, 20-7-403, MCA; NEW, 1993 MAR p. 1913, Eff. 8/13/93; AMD, 1999 MAR p. 69, Eff. 1/15/99; AMD & TRANS, 2000 MAR p. 1048, Eff. 7/1/00.)

10.16.3015 CRITERIA FOR IDENTIFICATION OF STUDENT AS HAVING EMOTIONAL DISTURBANCE

(1) The student may be identified as having emotional disturbance if a condition which includes one or more of the following characteristics is present:

(a) An inability to build or maintain satisfactory relationships with peers and teachers;

(b) Inappropriate types of behavior or feelings under normal circumstances including behaviors which are psychotic or bizarre in nature or behaviors which are atypical and for which no observable reason exists;

(c) A general, pervasive mood of unhappiness or depression including major depression and dysthymia but excluding normal grief reactions;

(d) A tendency to develop physical symptoms or fears associated with personal or school problems including separation anxiety, avoidant disorder and overanxious disorder;

(e) Schizophrenia.

(2) For each of the conditions in (1), the condition shall meet the criteria of having been present to a marked degree, over a long period of time and adversely affecting the student's educational performance.

(3) The student may be identified as having emotional disturbance when:

(a) The student has been observed in more than one setting within the educational environment; and

(b) The local educational agency has planned and implemented one or more positive behavioral interventions specific to the individual student. Interventions shall not unnecessarily delay appropriate identification when it can be shown through a student's social or developmental history, compiled directly from the student's parents or from records when the parents are not available, the existence of characteristics that clearly identify emotional disturbance.

(4) The student may not be identified as having emotional disturbance if delays in educational performance are primarily due to visual impairment, hearing impairment, orthopedic impairment, cognitive delay, health factors, or limited educational opportunity.

(5) Common disciplinary problems may exist in conjunction with emotional disturbance, but cannot be used as the sole criteria for determining the existence of an emotional disturbance.

(6) The term emotional disturbance does not apply to students who are socially maladjusted, unless it is determined that they meet the criteria herein for emotional disturbance.

(History: Sec. 20-7-402, MCA; IMP, Sec. 20-7-401, 20-7-403, 20-7-414, MCA; NEW, 1999 MAR p. 69, Eff. 1/15/99; AMD & TRANS, 2000 MAR p. 1048, Eff. 7/1/00.)

10.16.3016 CRITERIA FOR IDENTIFICATION OF STUDENT AS HAVING HEARING IMPAIRMENT

(1) The student may be identified as having a hearing impairment if an audiological report documents that the student has a permanent hearing loss in excess of 20 dB better ear average in the speech range (500, 1,000, 2,000 Hz), unaided, or has a history of fluctuating hearing loss which has interrupted the normal acquisition of speech and language and continues to adversely affect educational performance.

(History: Sec. 20-7-402, MCA; IMP, Sec. 20-7-401, 20-7-403, 20-7-414, MCA; NEW, 1993 MAR p. 1913, Eff. 8/13/93; AMD, 1999 MAR p. 69, Eff. 1/15/99; AMD & TRANS, 2000 MAR p. 1048, Eff. 7/1/00.)

10.16.3017 CRITERIA FOR IDENTIFICATION OF STUDENT AS HAVING ORTHOPEDIC IMPAIRMENT

(1) The student may be identified as having orthopedic impairment if:

(a) The student is diagnosed by a qualified medical practitioner as having an orthopedic impairment;

(b) The impairment is severe; and

(c) The impairment adversely affects the student's educational performance.

(2) The term orthopedic impairment includes impairments caused by congenital anomaly (e.g., clubfoot, absence of some member, etc.), impairments caused by disease (e.g., poliomyelitis, bone tuberculosis, etc.), and impairments from other causes (e.g., cerebral palsy, amputations, and fractures or burns that cause contractures).

(History: Sec. 20-7-402, MCA; IMP, Sec. 20-7-401, 20-7-403, 20-7-414, MCA; NEW, 1993 MAR p. 1913, Eff. 8/13/93; AMD, 1999 MAR p. 69, Eff. 1/15/99; AMD & TRANS, 2000 MAR p. 1048, Eff. 7/1/00.)

10.16.3018 CRITERIA FOR IDENTIFICATION OF STUDENT AS HAVING OTHER HEALTH IMPAIRMENT

(1) The student may be identified as having other health impairment if:

(a) The student has limited strength, vitality or alertness, including a heightened alertness to environmental stimuli that results in limited alertness with respect to the educational environment, that is due to chronic or acute health problems such as asthma, attention deficit disorder or attention deficit hyperactivity disorder, diabetes, epilepsy, a heart condition, hemophilia, lead poisoning, leukemia, nephritis, rheumatic fever, sickle cell anemia or tuberculosis; and

(b) The condition adversely affects the student's educational performance.

(2) A medical diagnosis of a chronic or acute health problem is required.

(History: Sec. 20-7-402, MCA; IMP, Sec. 20-7-401, 20-7-403, 20-7-414, MCA; NEW, 1999 MAR p. 69, Eff. 1/15/99; AMD & TRANS, 2000 MAR p. 1048, Eff. 7/1/00.)

10.16.3019 CRITERIA FOR IDENTIFICATION OF STUDENT AS HAVING SPECIFIC LEARNING DISABILITY

(1) The student may be identified as having a specific learning disability if, when provided learning experiences appropriate to the student's age and ability levels:

(a) The student's rate of achievement relative to the student's age and ability levels remains below expectations and the student does not achieve commensurate with his or her age and ability levels in one or more of the areas listed in (1)(b); and

(b) The student has a severe discrepancy between the student's intellectual ability and achievement in one or more of the following areas: oral expression, listening comprehension, written expression, basic reading skill, reading comprehension, mathematics calculation, mathematics reasoning.

(i) A severe discrepancy is defined as a 50 percent or higher probability of a two standard deviation discrepancy between general cognitive ability and achievement in one or more of the areas identified in (1)(b) when adjusted for regression to the mean. Error in test measurement requires judgment for students who score near two standard deviations below the population mean. When exercising this judgment, consideration of additional information, such as classroom performance relative to the student's performance on norm referenced tests, shall be used as the basis for determining the severe discrepancy.

(ii) Alternatives to norm referenced tests, such as curriculum-based assessments, shall be utilized to determine severe discrepancy whenever cultural factors, test conditions, size of test item sampling for the student's age, or other factors render standardized assessment results invalid. When utilizing alternative assessment procedures, a determination must still be made that a discrepancy between ability and achievement exists at a level of severity similar in size to the discrepancy that would have otherwise been found in (1)(b)(i).

(2) At least one team member other than the student's regular education teacher shall observe the student's academic performance in the regular classroom setting.

(a) In the case of a student of less than school age or out of school, a team member shall observe the student in an environment appropriate for a student of that age.

(3) Documentation of the learning disability determination shall:

(a) Meet the requirements for a written report found in 34 CFR 300.543;

(b) If appropriate, state the basis for concluding that the use of standardized test instruments would not be valid whenever provisions of (1)(b)(ii) are utilized to determine a severe discrepancy;

(c) Include educationally relevant medical findings, if any, that have been considered; and

(d) Include a report of one or more intervention techniques specific to the individual student. Interventions shall not unnecessarily delay appropriate identification.

(4) The student may not be identified as having a specific learning disability if the severe discrepancy between ability and achievement is primarily the result of a visual, hearing, or motor impairment; cognitive delay; emotional disturbance; environmental or economic disadvantage; or cultural difference.

(History: Sec. 20-7-402, MCA; IMP, Sec. 20-7-401, 20-7-403, 20-7-414, MCA; NEW, 1993 MAR p. 1913, Eff. 8/13/93; AMD, 1999 MAR p. 69, Eff. 1/15/99; AMD & TRANS, 2000 MAR p. 1048, Eff. 7/1/00.)

10.16.3020 CRITERIA FOR IDENTIFICATION OF STUDENT AS HAVING SPEECH-LANGUAGE IMPAIRMENT

(1) The student may be identified as having a speech-language impairment if the student has a significant deviation in speech such as fluency, articulation or voice, or in the ability to decode or encode oral language which involves phonology, morphology, semantics or pragmatics or a combination thereof.

(a) The student has a significant deviation in oral performance if the student's performance on standardized test is two standard deviations below the population mean, or between 1.5 and two standard deviations below the population mean, and there is documented evidence over a six month period prior to the current evaluation of no improvement in the speech-language performance of the student even with regular classroom interventions.

(b) For articulation, a significant deviation is consistent articulation errors persisting one year beyond the highest age when 90 percent of the students have acquired the sounds based upon specific developmental norms.

(c) If norm referenced procedures are not used, alternative assessment procedures shall substantiate a significant deviation from the norm.

(2) The student may be identified as having a speech-language impairment only when documentation of the student's interpersonal communication effectiveness in a variety of educational settings by the teacher, parent, speech-language pathologist, and others as appropriate supports the adverse educational effect of the speech-language impairment or oral communication in a classroom or school setting.

(3) The student may not be identified as having a speech-language impairment if the speech or language problems primarily result from environmental or cultural factors.

(History: Sec. 20-7-402, MCA; IMP, Sec. 20-7-401, 20-7-403, 20-7-414, MCA; NEW, 1993 MAR p. 1913, Eff. 8/13/93; AMD, 1999 MAR p. 69, Eff. 1/15/99; TRANS, 2000 MAR p. 1048, Eff. 7/1/00.)

10.16.3021 CRITERIA FOR IDENTIFICATION OF STUDENT AS HAVING TRAUMATIC BRAIN INJURY

(1) The student may be identified as having traumatic brain injury if the student has an acquired injury to the brain caused by external physical force which adversely affects the student's functional or psychosocial ability or both and the student's ability to learn or participate in the local educational agency's education program.

(2) The term traumatic brain injury applies to open or closed head injuries resulting in impairments in one or more areas such as cognition; language; memory; attention; reasoning; abstract thinking; judgment; problem-solving; sensory, perceptual, and motor abilities; psycho-social behavior; physical function; information processing; and speech.

(3) The student may not be identified as having a traumatic brain injury if the injury to the brain is congenital, degenerative, or caused by birth trauma.

(History: Sec. 20-7-402, MCA; IMP, Sec. 20-7-401, 20-7-403, 20-7-414, MCA; NEW, 1999 MAR p. 69, Eff. 1/15/99; AMD & TRANS, 2000 MAR p. 1048, Eff. 7/1/00.)

10.16.3022 CRITERIA FOR IDENTIFICATION OF STUDENT AS HAVING VISUAL IMPAIRMENT

(1) The student may be identified as having a visual impairment if the student has a visual acuity of 20/70 or less in the better eye with correction or field of vision which at its widest diameter subtends an angle of no greater than 20 degrees in the better eye with correction.

(History: Sec. 20-7-402, MCA; IMP, Sec. 20-7-401, 20-7-403, MCA; NEW, 1993 MAR p. 1913, Eff. 8/13/93; AMD & TRANS, 2000 MAR p. 1048, Eff. 7/1/00.)

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